

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 10 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN A. MERZWEILER,

Plaintiff - Appellant,

v.

U.S. OFFICE OF SPECIAL COUNSEL,

Defendant - Appellee.

No. 06-56421

D.C. No. CV-05-01032-AHS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Alicemarie H. Stotler, Chief Judge, Presiding

Submitted July 1, 2008<sup>\*\*</sup>

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

John A. Merzweiler appeals pro se from the district court's summary judgment in favor of defendant in Merzweiler's lawsuit arising from the termination of his employment with the United States Postal Service. We have

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Albano v. Norwest Fin. Haw., Inc.*, 244 F.3d 1061, 1063 (9th Cir. 2001), and we affirm.

We agree with the district court that the Office of Special Counsel's decision finding no jurisdiction was correct for the reasons stated by the district court.

**AFFIRMED.**